



DISEASES OF ANIMALS ORDINANCE, No. 3 OF 1926.

Heine F.

The first day of January, One thousand nine hundred and twenty-six.

GOVERNMENT OF PALESTINE.
DISEASES OF ANIMALS ORDINANCE

No. 3 of 1926.

An Ordinance relating to Diseases of Animals.

PART I.

BE IT ENACTED by the High Commissioner for Palestine,
with the advice of the Advisory Council thereof:-

Preliminary.

1. This Ordinance may be cited as the Diseases of Short title.
Animals Ordinance, 1926.

2. In this Ordinance, unless the context otherwise requires:- Definitions.

“Animals” means all stock, and other ruminating animals and dogs, and any animal or bird which the High Commissioner by Notice published in the Official Gazette may declare to be included in the term “animals” for the purpose of this Ordinance.

“Carcase” means the carcase of an animal, and includes part of the carcase and the meat, bones, hide, skin, hoofs, horns, wool, offal, or other part of an animal.

“Cattle” means bulls, buffaloes, cows, oxen, heifers and calves.

“Disease” means cattle plague (rinderpest), foot and mouth disease, pleuro-pneumonia, anthrax, black quarter, sheep scab, goat pox, goat scab, swine fever, swine erysipelas, mange (scabies) in horses, mules, and donkeys, glanders, farcy, epizootic lymphangitis, ulcerative lymphangitis, dourine, tuberculosis, rabies, bovine contagious abortion, piroplasmosis, undulant fever in goats, haemorrhagic septicemia and any other disease of an infectious or contagious nature which the High Commissioner may by Notice published in the Gazette declare to be included in the term “disease” for the purpose of this Ordinance.

“Fodder” means hay, grain, or other substance commonly used for the food of animals.

“Litter” means straw or other substance commonly used for bedding or otherwise for or about animals.

"Owner" means every person who is the sole or part owner of any animal, and includes any person who is in permanent charge of such animal. The occupier of premises in which a dog or cat is found shall be presumed to be the owner of such dog or cat unless the contrary is proved.

"Stock" means cattle, sheep, goats, camels, horses, mules, donkeys, swine and poultry.

"Veterinary Officer" means a person appointed by the High Commissioner to be a Government Veterinary Officer.

"Stock Inspector" means a person appointed by the High Commissioner to hold that office.

PART II.

Measures for checking Disease.

Diseased animals
to be notified and
separated.

3. Every person having in his possession or charge any animal affected or suspected of being affected with disease shall as soon as possible (a) give notice thereof to the Mukhtar or other head of the village, the Sheikh of the tribe, or the nearest District Officer;

(b) keep such animals separate from animals not so affected or suspected;

(c) cause such animals to be tied up or to be in an enclosed place.

Provided that if the person in possession or charge of the animal is travelling by sea, he shall inform the Customs Authorities on arrival at a Port; and if he is travelling by land, he shall inform the nearest Police Officer.

Notification to be
forwarded to
Veterinary Officer.

4. Any officer of the Government or of a Municipality, or Sheikh of a tribe, or any person licensed as a Veterinary Surgeon, who is notified of an animal being affected or suspected of being affected with disease shall forthwith notify the nearest Veterinary Officer who shall give such directions and take such steps as may be necessary for the purpose of ascertaining the existence and nature of the disease, and on being satisfied that such disease exists, shall make a report to the Chief Veterinary Officer.

5. A District Officer shall, on being satisfied as to the existence within his District of a disease affecting stock, forthwith cause all Mukhtars and occupiers of farms and owners of stock in the neighbourhood to be notified thereof.

Farmers to be notified of outbreak.

6. Any Veterinary Officer may cause to be slaughtered any animal affected or suspected of being affected with any disease, or any animal which has been in contact with a diseased animal or has been otherwise exposed to the infection or contagion of disease.

Slaughter of animal affected.

PART III.

Powers of Officers.

7. Where an animal dies of disease any District Officer or Veterinary Officer or Stock Inspector may give directions with reference to the burial, destruction or disposal of the carcase, litter, dung or fodder.

Burial etc, of carcasses of diseased animals.

8. Any Veterinary Officer may at any time require any animal to be examined, inoculated, sprayed, dipped, washed, or otherwise disinfected, or to undergo a period of quarantine if he shall consider the same necessary in order to prevent the spread of disease.

Power of examination, inoculation, disinfection, etc.

9. Any Veterinary Officer may for the purpose of detecting or diagnosing disease take from any animal blood smears, or apply such other tests as he may consider necessary.

Power to carry out tests.

10. The Chief Veterinary Officer may, for the purpose of preventing the spread of any disease, prohibit in any place the holding of any exhibition of stock or the sale of stock in open markets or in private sale yards, or prohibit in any place the slaughter of cattle for food and the sale of meat or carcasses, or any part thereof.

Power to prohibit exhibition of stock, slaughter, etc.

11. Any District Officer or Veterinary Officer or Stock Inspector may enter any lands, building, shed, place, or vehicle containing or suspected to contain any animals, carcasses, litter, dung, or fodder, and may examine the same for the purpose of ascertaining whether any animal therein is suffering from any disease, or whether any such animal, carcase, litter, dung, or fodder is capable of transmitting disease, or for the purpose of ascertaining whether any rules, orders, or directions in respect of cleansing and disinfection made or given under this Ordinance have been properly carried out.

Power of entry.

Power to inspect.

12. The owner of any animal, carcase, litter, dung, or fodder, shall produce the same for inspection when called upon to do so by any District Officer, Veterinary Officer or Stock Inspector.

Power to carry out requirements.

13. If any person is required by this Ordinance or by any rules, order, or direction made or given thereunder to do any act or thing but fails to comply with such requirement, a Veterinary Officer or District Officer or Stock Inspector may cause the same to be done at the expense of such person.

PART IV.

Compensation.

Compensation to be paid for slaughter.

14. (1) Subject to the provisions of the next succeeding Section, compensation for an animal slaughtered under this Ordinance shall be paid to the owner as follows:—

(a) Where the animal was affected with disease, one half of its value immediately before it became so affected, but so that the compensation shall not exceed in the case of horses £E. 10, in the case of mules £E. 8, in the case of donkeys £E. 3, in the case of cattle £E. 7.500 m/ms., in the case of camels £E. 2.500 m/ms., in the case of sheep and goats P.T. 50.

(b) Where the animal was not so affected but was suspected of being affected, the value of the animal immediately before it was slaughtered, provided that the value of any such carcase as may be found fit for use shall be deducted from the amount of compensation payable, and that the compensation shall not exceed in the case of horses £E. 20, in the case of mules £E. 16, in the case of donkeys £E. 6, in the case of cattle £E. 15, in the case of camels £E. 5, and in the case of sheep and goats £E. 1.

(2) The value of any animal slaughtered shall be fixed by a Veterinary Officer.

Case where compensation may be withheld.

15. (1) Compensation shall not be paid in respect of any dog which is affected or is suspected of being affected with rabies.

(2) Compensation in respect of any animal slaughtered under this Ordinance may be wholly or partially withheld where the owner of the animal has been guilty of any breach of the Ordinance or of any rule, order or direction made or

given thereunder; and no compensation shall be payable in respect of an animal slaughtered if the animal was affected with disease when imported into the country, or became affected before it was passed by the inspecting Officer at the Port or place of entry into the country, or if it was imported into the country in breach of this Ordinance or the Animals (Import and Export) Ordinance, 1920, or of any rule, order, or direction made or given thereunder.

PART V.

Infected Areas.

16. The High Commissioner may at any time by notice published in the Gazette declare any area within Palestine to be an infected area for the purpose of this Ordinance.

Power to declare infected area.

17. (1) Any Veterinary Officer, when satisfied that a disease exists, or has, within the period of incubation of any disease, existed in a shed, field, or other place, shall forthwith serve a notice on the occupier, or if there be no occupier, on the owner of such place, declaring such place to be an infected area. The Notice shall state the site and limits of the infected area and the disease in respect of which it is declared to be infected. A copy of the Notice shall be forwarded to the District Officer and to the Officer in charge of the police of the Sub-District. It may, also, if the Chief Veterinary Officer shall so determine, be published in the Gazette.

Power of Veterinary officer to declare places infected.

(2) An area in respect of which a declaration has been made shall not be considered to be free from disease until a declaration in writing is made to that effect by the Veterinary Officer. The declaration shall be notified to the owner or occupier of the premises or the area concerned, and if the declaration of infection has been published in the Gazette the declaration that the area is free from disease shall be published in a similar manner.

(3) On the occurrence in any infected area of any of the following diseases, viz: anthrax, foot and mouth disease, glanders, farcy, tuberculosis, rabies, bovine contagious abortion, undulant fever in goats or other disease which the High Commissioner may by notice published in the Gazette declare to be a disease that affects the inhabitants of an infected area, the Veterinary Officer shall immediately notify the Medical Officer of Health of the District.

Notification of diseases which may affect inhabitants.

18. (1) The following provisions shall, in the absence of other provisions made by rules under this Ordinance, apply to any infected area.

Provisions to apply to infected areas.

(a) No stock shall be moved from any such area without the written permission of a Veterinary Officer.

(b) All stock in such area shall be herded as far as possible from the public road.

(c) The Chief Veterinary Officer or Veterinary Officer or Stock Inspector of the area may require the owner of any animal within such area to isolate the animal from other animals within the area or to remove such animal within a stated period from the area to such other place as he may direct.

(d) A Veterinary Officer or Stock Inspector may cause any animal therein to be branded with such mark as he may think fit.

(e) No person shall leave the area without having complied with directions for preventing the spread of disease that may be prescribed by a Veterinary Officer or Stock Inspector.

(f) The carcasses of animals dying from disease shall forthwith be either buried at a depth of not less than six feet below the surface of the ground, or burnt at the expense of the owner.

(2) Any person negligently allowing an animal to escape from an infected area shall be deemed to have moved the animal from such area.

PART VI.

Rules.

High Commissioner may make rules.

19. The High Commissioner may make and when made, may vary and revoke Rules for carrying out the purposes and provisions of this Ordinance; and in particular, for all or any of the purposes following:-

(a) The control, examination, detention, inoculation, disinfection, removal, branding, dipping, testing or slaughter of animals affected or suspected of being affected with any disease, or of any animals exposed to infection or especially liable to become infected with any disease.

(b) Prescribing and regulating the destruction, burial, disposal or treatment of carcasses, fodder, litter, utensils, dung or other things being in an infected place or area, or removed therefrom.

(c) Prohibiting or regulating the digging up of carcasses which have been buried.

(d) Prohibiting or regulating the movement of animals, carcasses, litter, dung, or fodder within Palestine.

(e) Prescribing quarantine for diseased animals or animals which have been in contact with animals suffering from disease or especially liable to become infected with disease.

(f) Prohibiting or regulating the importation into or exportation from Palestine of animals, carcasses, litter, dung, or fodder, and prescribing the conditions under which such importation or exportation may take place.

(g) Prescribing the cleansing and disinfection of buildings and places wherein animals have been or are stalled or kept, and of public markets, private sale yards, railway premises, or vehicles wherein any animal shall have been placed, kept or carried.

(h) Prescribing the disinfection of persons and their clothing and personal effects coming into contact with or employed with animals suffering or suspected to be suffering with a disease or being in an infected area.

(i) Prescribing fees and charges for the examination, inoculation, testing, dipping, disinfection or slaughter of animals or for any certificate, licence, permit, or other document issued or done under any Rule under this Ordinance; and for the feeding and stabling of animals detained in quarantine and the examination and disinfection of hides or other animal parts, and providing generally for the payment and recovery of expenses incurred by the Government under this Ordinance.

(j) Prohibiting or regulating the importation into or the manufacture within Palestine of any veterinary vaccine or serum or the virus of cattle plague or of any other disease.

(k) Prescribing and regulating the inspection of animals to be slaughtered for food and the carcasses thereof and the construction and arrangement of slaughter houses and animal markets.

(l) Prescribing and regulating the muzzling of dogs and the keeping of dogs under control; and the seizure, detention, and disposal of stray dogs and dogs not muzzled, and of dogs not kept under control.

(m) Prescribing and regulating the seizure, detention, and disposal of any animal in relation to which a breach of this Ordinance or of any rule, order or direction made or given thereunder has been committed.

(n) Prescribing the duties of Municipalities, Local Councils, and other Local Authorities under this Ordinance

(o) Generally, for the prevention of the spread of disease of animals and for giving effect to the purposes of this Ordinance.

PART VII.

Miscellaneous.

Saving of acts
done under the
Ordinance.

20. No action shall lie against the Government or any officer thereof for any act done in good faith under the provisions of this Ordinance or of any rule, order, or direction made or given thereunder; and, save as herein provided, no compensation shall be payable to any person for any act done under this Ordinance, unless the High Commissioner otherwise directs.

Power to arrest
without warrant,

21. (1) Where a person is seen or found committing or suspected of being engaged in committing an offence against this Ordinance or any rule made thereunder any Administrative, Veterinary or Police Officer or Stock Inspector may, without warrant stop and detain him; and if his name and address are not known to such Officer and he fails to give them to the satisfaction of the Officer, the Officer may without warrant arrest him; provided that where the Officer arresting is not a Police Officer he shall without unnecessary delay make over the offender to a Police Officer or in the absence of a Police Officer take the offender to the nearest Police station.

Power to seize
animals etc.

(2) Any Veterinary Officer or Police Officer or Stock Inspector may seize and examine any animal, carcase, vehicle, vessel or thing with regard to which he suspects that any such offence has been or is being committed; and may order the same to be taken back to any area or place wherefrom it may be suspected to have been unlawfully removed, or may remove

it to any place and detain it there subject to the orders of a Magistrate. Any seizure and detention so made shall be reported forthwith by the Officer to a Magistrate having jurisdiction in the district within which the seizure has been made.

22. (1) Any person found guilty of an offence under this Ordinance or of having committed any breach thereof or of any rule, order or direction lawfully made or given thereunder shall be liable to imprisonment for a period not exceeding six months or to a fine not exceeding £E.100, or to both penalties. Penalties.

(2) Whenever any person shall have been convicted of an offence or breach as aforesaid, the Court convicting such person may, in addition to or in lieu of imposing any other punishment, order that the animals or things or any of them in respect of which such offence or breach has been committed shall be forfeited. Forfeiture on conviction.

(3) Whenever it shall be reported to a Magistrate that any animal or thing has been seized and detained under the preceding Section but that the person who is alleged to have committed an offence in respect thereof is unknown or cannot be found, the Magistrate may, if satisfied that there is reason to believe that such offence has been committed, order the animal or thing to be forfeited. Provided, however, that no order shall be made unless the owner (if his name and whereabouts are known) shall have had an opportunity of appearing before the Magistrate to show cause why such order should not be made. Forfeiture when offender not found.

(4) The Magistrate may order that the owner of any animal or thing seized and detained shall pay to the Veterinary Officer such sum as he may consider reasonable to cover the expenses connected with the removal of such animal or thing to the place of detention, and in the case of an animal the cost of its maintenance during such detention, and that, unless such sum be paid within a time to be specified in the order, the animal or thing shall be forfeited. Recovery of expenses.

23. Where a fine is inflicted the Magistrate may award any portion thereof, not exceeding half, to the person upon whose information the conviction has been obtained. Award of part of fine to informers.

24. In a prosecution for an offence under this Ordinance any report signed by a Veterinary Officer may be accepted as evidence unless the accused person desires that the officer shall attend as a witness or the Court considers his attendance necessary. Report by Veterinary Officer to be evidence.

Burden of proof.

25. When the owner of any animal suffering from disease is charged with an offence against this Ordinance or of any rule made thereunder, he shall be presumed to have known of the existence of such disease in the animal unless he satisfies the Court that he had no such knowledge and could not with reasonable diligence have obtained such knowledge.

Ottoman law not to apply.

26. (1) The Ottoman Provisional Law dated 18th Moharrem, 1332, concerning diseases of animals shall no longer have effect in Palestine.

Repeal.

(2) The Ordinance and Public Notices mentioned in the Schedule hereto are hereby repealed.

1st January, 1926.

PLUMER, F. M.
High Commissioner.

SCHEDULE.

No. and Year of Ordinance or
Public Notice.

Short Title.

- (a) No. 96 of 14.1.19.
- (b) No. 97 of 18.5.19.
- (c) No. 134 of 9.9.19.

Slaughter of Animals.
Diseases of Animals.
Exportation of Live-stock.